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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/823,617

03/30/2001

William L. Thomas

UV-195

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75563

7590

01/14/2008

ROPES & GRAY LLP

PATENT DOCKETING 39/361

1211 AVENUE OF THE AMERICAS

NEW YORK, NY 10036-8704

EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

01/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/823,617

Applicant(s)

THOMAS ET AL.

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,9-14,18-32,34,36-42,47-63,65-90,92-109 and 124-129 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9-14,18-32,34,36-42,47-63,65-90,92-109 and 124-129 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 11/8/2007 was filed after the mailing date of the Final Rejection on 9/20/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 10-11, 13-14, 18-19, 23-24, 26-33, 35, 37-38 42-44, 48-49, 53-54 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410).

Referring to claim 1, Inoue discloses a method for using an interactive media application (**see Column 5, Lines 7-19 for a microprocessor 109 that controls the system in Figure 1, which inherently contains program code to perform such operations (i.e. the interactive media application))** implemented at least partially on user equipment (**see Column 3, Lines 52-65**) to substitute pause-time content in place of media that is paused (**see Column 6, Lines 30-33 for substituting pause-time content in place of the media that is paused**).

Inoue also discloses providing a pause-time content database on the user equipment for storing pause-time content local to a user (**see Column 6, Lines 20-33 for pausing the media, which is initiated and stored by the user locally**).

Inoue also discloses providing the user with the ability to pause the media and pausing the media (**see Column 6, Lines 21-22**).

Inoue also discloses local to the user, automatically determining which of a plurality of pause-time content to display while the media is paused (**see Column 6, Lines 30-33 for displaying various types of pause-time content while the media is paused**). *The examiner further notes that the microprocessor inherently determines which pause-time content to determine, otherwise, no display could take place.*

Inoue also discloses **automatically** (**see Column 6, Lines 25-30 for the microprocessor 109 automatically performing the operations**) retrieving the

determined pause-time content from the pause-time content database (**see Column 9, Lines 34-39 and Column 6, Lines 30-33**).

Inoue also discloses (**see Column 6, Lines 25-30 for the microprocessor 109 automatically performing the operations**) playing the automatically retrieved pause-time content while the media is paused (**see Column 6, Lines 30-33 for displaying different pause-time content when the media is paused**).

Inoue also discloses recording the media while the media is paused (**see Column 6, Lines 25-30 for recording the media while the media is paused**).

Although Inoue discloses that a pause-time content database that is local to the user (**see above**), Inoue is silent as to the pause-time content database containing a plurality of pause-time content.

Lortz discloses a system that also displays pause-time content in the forms of web content and/or streaming audio and/or streaming video (**see Column 3, Lines 1-8**), which can be stored at a pause-time content database at a Web server (**see Column 2, Lines 66-67**) or locally at the set-top box (**see Column 3, Lines 45-47**). Lortz further discloses that when a pause occurs, the pause-time content is displayed until the viewer resumes viewing of a television program (**see Column 3, Line 54 through Column 4, Line 16**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the broadcasted media programs, as taught by Inoue, using the embedded URLs (**stored in a pause-time content database**) displayed when a TV broadcast program is paused, as taught by Lortz, for the purpose of

coordinating the display of an incoming signal stream on a display with web browsing
(see Column 2, Lines 13-15 of Lortz).

Referring to claims 2-3, Inoue discloses that the media is real-time media, which is near video-on-demand media (see Column 3, Lines 53-54 and Column 5, Lines 30-34 for the media being near video-on-demand media, which is real-time media).

Referring to claim 4, Inoue discloses providing the user with the ability to resume play of the paused media (see Column 6, Lines 38-40 for resuming play of paused media).

Referring to claim 5, Inoue discloses resuming play of the media at substantially the same point at which the media was paused (see Column 7, Lines 49-52 for resuming play of a video program substantially before the point at which the pause was requested).

Referring to claim 10, Inoue discloses that the pause-time content is associated with the media that is paused (see the rejection of claim 8, for displaying the program, while recording the media during a pause).

Referring to claim 11, Inoue discloses that the media is a television program (see Column 3, Lines 66-67 and Column 4, Lines 1-7 for the signal that is received,

paused and recorded (see rejection of claim 1) is a television signal) and the pause-time content is associated with the television program (see again the rejection of claim 8, for displaying the program, while recording the program during a pause).

Referring to claim 13, Lortz discloses that the media (TV broadcast program) has associated media data (see Column 3, Lines 32-39 for inserting URLs that link web content to broadcast TV content (and is therefore associated) into the VBI of a television signal), and that the interactive media application uses the content of the media data to substitute pause-time content that is associated with the media (see Column 3, Lines 54-65 for pausing a TV broadcast program and displaying web content while the TV broadcast program is paused, therefore substituting pause-time content that is associated with the media).

Referring to claim 14, Inoue discloses that the pause-time content is a graphic (see Column 6, Lines 32-33).

Referring to claim 18, Inoue discloses that the interactive media application is implemented on a person video recorder (see Column 5, Lines 7-19 for a microprocessor 109 that controls the system in Figure 1, which inherently contains program code to perform such operations (i.e. the interactive media application) and that the system in Figure 1 also contains circuitry to record video programs (see Column 3, Lines 60-65)). Therefore, the system in Figure 1 is a personal video recorder.

Referring to claim 19, Inoue discloses that the interactive media application is implemented on a person video recorder (see the rejection of claim 18), and records the media with the person video recorder (see again Column 3, Lines 60-65 for recording video programs using the system in Figure 1).

Referring to claim 23, Lortz teaches using a forward and backward button to change pause-time content that is playing while a TV broadcast program is paused and recorded (see Column 4, Lines 1-11).

Claim 24 corresponds to claim 23, where Lortz further discloses that the pause-time content is a Web site (see Column 4, Lines 1-11).

Referring to claim 26, Lortz further teaches using a forward and backward button to change pause-time content that is playing while a TV broadcast program is paused and recorded (see Column 4, Lines 1-11).

Referring to claim 27, see the rejection of claim 1. Note Figure 1 for the user equipment.

Referring to claim 28, Inoue discloses that the user equipment receives the media (see Column 3, Lines 66-67 and Column 4, Lines 1-7).

Referring to claims 29-32, 37-38 and 49, see the rejection of claims 2-5, 8, 10-11 and 18, respectively.

Referring to claim 40, see the rejection of claim 13.

Claim 41 corresponds to claim 40, where Lortz further teaches that the media data (URL/web data) is received at the user equipment along with the media (see Column 3, Lines 32-39).

Claim 42 corresponds to claim 40, where Lortz teaches that the pause-time content is a Web-site (see Column 4, Lines 1-11).

Referring to claim 48, Inoue discloses that the user equipment is user television equipment (see Column 3, Lines 66-67 and Column 4, Lines 1-7).

Referring to claims 53-54, see the rejection of claims 23-24, respectively.

Referring to claim 56, see the rejection of claim 26.

Claims 7, 9, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410) in further view of Ismail et al. (U.S. Patent No. 6,614,987).

Referring to claims 7 and 9, Inoue and Lortz disclose providing the user with the ability to resume play of the paused media (see Column 6, Lines 38-40 of Inoue), but fail to teach providing the user with the ability to fast-forward the media.

Ismail discloses a similar system to Inoue for pausing and resuming a media (see Column 13, Lines 51-67 and Column 14, Lines 1-7), and also discloses providing the user with the ability to fast-forward and rewind the media (see Column 14, Lines 8-11).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the receiver (Figure 1), as taught by Inoue and Lortz, using the fast-forward and rewind functionality, as taught by Ismail, for the purpose of providing an easy to use interface (see Column 2, Lines 39-42 of Ismail).

Referring to claims 34 and 36, see the rejection of claims 7 and 9, respectively.

Claims 12, 39 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410) in further view of Baker et al. (U.S. Patent No. 5,583,561).

Referring to claim 12, Inoue and Lortz disclose that the media and the pause-time content is associated with a television program (see again Column 3, Lines 66-67 and Column 4, Lines 1-7 of Inoue), but fail to teach that the content can be a music program.

Baker discloses a system similar to Inoue for pausing, resuming and recording programs (see Column 14, Lines 39-67 and Column 15, Lines 1-10), and also teaches that the content can be a music program (see Column 6, Lines 23-24 for programs being a music videos).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video programs, as taught by Inoue and Lortz, using music video programs, as taught by Baker, for the purpose of supporting a larger number of programs from a single system (see Column 11, Lines 54-57 of Baker) so that the viewer has a wider variety of programming available.

Referring to claim 39, see the rejection of claim 12.

Referring to claim 47, see the rejection of claim 12 and note that if a music program is received, then the user equipment is inherently music equipment because the user equipment can play music programs.

Claims 20-21 and 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410) in further view of Banker et al. (U.S. Patent No. 5,357,276).

Referring to claim 20, Inoue and Lortz disclose that the media is real-time media (see Column 3, Lines 53-54 and Column 5, Lines 30-34 of Inoue for the media being

near video-on-demand media, which is real-time media), but fail to teach displaying the amount of time that has lapsed between the paused media and the real-time media.

Banker discloses a pause window in Figures 7B and 8, which displays the time that has lapsed between the paused media and the real-time media (see "Press (SELECT) To Restart Now And Miss 4:15", which is how much time has been missed since the pause has taken place, which is the time that has lapsed between the paused media and the real-time media (also note Column 12, Lines 33-38)).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify display screen after a pause command has been issued; as taught by Inoue and Lortz, using the display timer, as taught by Banker, for the purpose of visually informing how much time will be missed if the program is restarted before the pause is completed (see Column 12, Lines 37-38 of Banker).

Referring to claim 21, Inoue discloses that the interactive media application is implemented on user equipment (see Column 5, Lines 7-19 for a microprocessor 109 that controls the system in Figure 1, which inherently contains program code to perform such operations (i.e. the interactive media application)), and that the media is television programming that is being delivered to the user television equipment in real-time (see Column 3, Lines 53-54 and Column 5, Lines 30-34 for the media being delivered to the user television equipment (Figure 1) is near video-on-demand media, which is real-time media). However, Inoue and Lortz fail to teach displaying the amount of time that has

lapsed between the paused television programming and the real-time television programming in an overlay.

Banker discloses a pause window in Figures 7B and 8, which displays the time that has lapsed between the paused media and the real-time media (see "Press (SELECT) To Restart Now And Miss 4:15", which is how much time has been missed since the pause has taken place, which is the time that has lapsed between the paused media and the real-time media (also note Column 12, Lines 33-38)). Banker also discloses that in response to a pause command, that the screen is overlaid on top of the video screen (see Column 2, Lines 61-65 and Column 6, Lines 16-18 for the circuitry used to overlay graphic and character screens on top of the incoming video signal).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify display screen after a pause command has been issued, as taught by Inoue and Lortz, using the overlaid display timer, as taught by Banker, for the purpose of visually informing how much time will be missed if the program is restarted before the pause is completed (see Column 12, Lines 37-38 of Banker) so that the viewer can determine if she/he wishes to wait until the program will continue being broadcasted.

Referring to claim 50, see the rejection of claim 20, and note that Inoue also teaches receiving the media in real-time and playing the media in real-time (see the rejection of claims 1-2 for these limitations being taught by Inoue).

Referring to claim 51, see the rejection of claim 21.

Claims 22, 25, 52 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410) in further view of White et al. (U.S. Patent No. 6,392,664).

Referring to claim 22, Inoue discloses pausing a program and recording the program while being paused (see Column 6, Lines 22-30). Inoue also discloses displaying pause-time content, by continuing to display the program while it is being paused and recorded or displaying another program that is received and displayed (see Column 6, Lines 30-32 of Inoue). However, Inoue and Lortz fail to disclose that the user personalizes the programs that can be paused and displayed as pause-time content.

White discloses that the user has the ability to personalize the pause-time content (incoming video taught by Inoue) by compiling a profile based on the user's viewing habits (previous selections made by the user) at Column 9, Lines 46-65.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the programs available on specific channels, as taught by Inoue and Lortz, by determining preferred programming for viewing, as taught by White, for the purpose of suggesting popular programming that may be enjoyed by the user (see Column 9, Lines 48-49 and Lines 56-57 of White).

Referring to claim 25, see the rejection of claim 22, and note that if only certain programs are filtered out by the use of a user's viewing habits, then the user inherently

has the ability to prevent particular types of pause-time content to be presented by the interactive media application, because only a redacted list is being presented to the user, which discards/prevents programming that is not of possible interest to the user.

Referring to claims 52 and 55, see the rejection of claims 22 and 25, respectively.

Claims 57, 60, 62-63, 66-69, 71, 74, 77-78, 80-81, 86, 89-90, 93-96, 99-100, 103, 106-107 and 109 and 124-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410) in further view of Armstrong et al. (U.S. Patent No. 7,017,173).

Referring to claim 57, Inoue discloses an interactive media application to substitute pause-time content in place of media that is paused (see Column 6, Lines 30-33 for substituting pause-time content in place of the media that is paused), wherein the pause-time content is other than the paused media (see Column 6, Lines 30-33 for substituting pause-time content being either another received program or a graphics screen).

Inoue also discloses providing a user with the ability to pause the media and pausing the media at any time while the media is playing (see Column 6, Lines 30-33 for pausing a video program).

Inoue also discloses playing the pause-time content by substituting the pause-time content in place of the media whenever the media is paused (see Column 6, Lines 30-33 for substituting pause-time content in place of the media that is paused).

Inoue fails to teach that the subject matter of the substituted pause-time content is related to the subject matter of the paused media.

Lortz discloses that the subject matter of the substituted pause-time content pause-time content is related to the subject matter of the paused media (see Column 1, Lines 58-59, Column 4, Lines 18-19 and Line 66).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the broadcasted media programs, as taught by Inoue, using the embedded URLs displayed when a TV broadcast program is paused, as taught by Lortz, for the purpose of coordinating the display of an incoming signal stream on a display with web browsing (see Column 2, Lines 13-15 of Lortz).

Inoue and Lortz fail to teach determining targeted pause-time content to display while the media is paused based on monitoring user activity, wherein determining pause-time content comprises determining pause-time content based on the monitored user activity.

Armstrong discloses determining targeted pause-time content to display while the media is paused based on monitoring user activity, wherein determining pause-time content comprises determining pause-time content based on the monitored user activity (see Column 5, Lines 33-61 and Column 13, Lines 24-35).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the pause-time content display system, as taught by Inoue and Lortz, to utilize the targeted pause-time content feature, as taught by Armstrong, for the purpose of providing demographically appropriate advertisement content (**see Column 5, Lines 26-32 of Armstrong**).

Referring to claim 60, see the rejection of claim 16.

Referring to claims 62-63, see the rejection of claims 4-6.

Referring to claim 66, see the rejection of claim 13.

Referring to claims 67-68, see the rejection of claims 14-15, respectively.

Referring to claim 69, see the rejection of claim 11.

Referring to claim 71, see the rejection of claim 18.

Referring to claim 74, Inoue discloses that the media is near video-on-demand media (see the rejection of claim 3), and resuming play of the near video-on-demand media by playing a subsequent feed of the near video-on-demand media (see Column 6, Lines 38-52 for resuming play from the recorded segment and also Column 6, Lines 53-62 for further resuming play from selecting a subsequent near video-on-demand channel (CH1-CH7)).

Referring to claims 77-78, see the rejection of claims 23-24, respectively.

Referring to claim 80, see the rejection of claim 26.

Referring to claim 81, see the rejection of claim 57.

Referring to claim 86, see the rejection of claim 16.

Referring to claims 89-90, see the rejection of claim 4-6, respectively.

Referring to claim 93, see the rejection of claim 13.

Referring to claims 94-95, see the rejection of claims 14-15, respectively.

Referring to claim 96, see the rejection of claim 11.

Referring to claims 99-100, see the rejection of claims 48 and 18, respectively.

Referring to claim 103, see the rejection of claim 74.

Referring to claims 106-107, see the rejection of claims 23-24, respectively.

Referring to claim 109, see the rejection of claim 26.

Referring to claim 124, Inoue and Lortz discloses all of the limitations of claim 1, but fail to teach monitoring user activity, wherein determining pause-time content comprises determining pause-time content based on the monitored user activity.

Armstrong discloses monitoring user activity, wherein automatically determining which of the plurality of pause-time content comprises automatically determining which of the plurality of pause-time content based on the monitored user activity (**see Column 5, Lines 33-61 and Column 13, Lines 24-35**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the pause-time content display system, as taught by Inoue and Lortz, to utilize the targeted pause-time content feature, as taught by

Armstrong, for the purpose of providing demographically appropriate advertisement content (**see Column 5, Lines 26-32 of Armstrong**).

Referring to claim 125, Inoue and Lortz disclose all of the limitation of claim 11, but fail to disclose the claim limitations of claim 125.

Armstrong discloses accessing a database comprising channel information for available channels, determining information about the television program and automatically determining which of the plurality of pause-time content associated with the determined information (**see Column 4, Line 29 through Column 5, Line 25**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the pause-time content display system, as taught by Inoue and Lortz, to utilize the targeted pause-time content feature, as taught by Armstrong, for the purpose of providing specific targeted advertisement based on the movie or television program the viewer is currently watching.

Referring to claim 126, see the rejection of claim 124.

Referring to claims 127-129, see the rejection of claim 125.

Claims 65 and 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410) in further view of Armstrong et al. (U.S. Patent No. 7,017,173) in further view of Ismail et al. (U.S. Patent No. 6,614,987).

Referring to claims 65 and 92, Inoue, Lortz and Armstrong disclose providing the user with the ability to resume play of the paused media (see Column 6, Lines 38-40 of Inoue), but fail to teach providing the user with the ability to fast-forward the media.

Ismail discloses a similar system to Inoue for pausing and resuming a media (see Column 13, Lines 51-67 and Column 14, Lines 1-7), and also discloses providing the user with the ability to fast-forward and rewind the media (see Column 14, Lines 8-11).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the receiver (Figure 1), as taught by Inoue, Lortz and Armstrong, using the fast-forward and rewind functionality, as taught by Ismail, for the purpose of providing an easy to use interface (see Column 2, Lines 39-42 of Ismail).

Claims 58-59, 61, 70, 82-85, 87-88 and 97-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410) in further view of Armstrong et al. (U.S. Patent No. 7,017,173) in further view of Baker et al. (U.S. Patent No. 5,583,561).

Referring to claim 58, Inoue, Lortz and Armstrong disclose that the media and the pause-time content is associated with a television program (see again Column 3, Lines 66-67 and Column 4, Lines 1-7 of Inoue), but fail to teach that the content can be a music program.

Baker discloses a system similar to Inoue for pausing, resuming and recording programs (see Column 14, Lines 39-67 and Column 15, Lines 1-10), and also teaches

that the content can be a music program (see Column 6, Lines 23-24 for programs being a music videos). Further note that media stored in a Video Server (see Column 6, Lines 38-45 is previously recorded media).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video programs, as taught by Inoue, Lortz and Armstrong, using music video programs, as taught by Baker, for the purpose of supporting a larger number of programs from a single system (see Column 11, Lines 54-57 of Baker) so that the viewer has a wider variety of programming available.

Referring to claim 59, see the rejection of claim 58, and note that the media is video-on-demand media (see Column 6, Lines 16-37 for an EVOD (entertainment video-on-demand) system providing the video program/media).

Referring to claim 61, see the rejection of claims 58 and 59.

Referring to claim 70, see the rejection of claims 58 and 59.

Referring to claim 82, see the rejection of claims 58 and 59.

Referring to claim 83, Inoue discloses storing the media sent to the receiver (Figure 1) at Column 6, Lines 25-30 during a pause state. The examiner notes since Baker teaches that the video is stored remotely (previously recorded), then Inoue would therefore store the previously recorded media, when a pause command is activated.

Referring to claim 84, see the rejection of claims 58-59. Also note, that the pause-time content is also the media, because Inoue, when issued a pause command, can continue to display the video that has been paused, which then makes the paused video, the pause-time content. Also note that Inoue further has the option to display media different from the paused media, and also a graphic pause screen (see Column 6, Lines 30-33 of Inoue).

Referring to claim 85, see the rejection of claims 58-59.

Referring to claim 87, see the rejection of claims 58-59.

Referring to claim 88, see the rejection of claims 58-59.

Referring to claim 97, see the rejection of claims 58-59.

Referring to claim 98, see the rejection of claims 58-59.

Claims 75 and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410) in further view of Armstrong et al. (U.S. Patent No. 7,017,173) in further view of Banker et al. (U.S. Patent No. 5,357,276).

Referring to claim 75, Inoue, Lortz and Armstrong disclose all of the limitations in claim 74, but fail to teach displaying information while the near video-on-demand media is paused that displays the time remaining until the next feed of the near video-on-demand media will line up with the point at which the near video-on-demand media was paused.

Banker discloses this limitation at Figures 7B and 8, by displaying the information, "Movie Restarts In 9 Minutes" (also note Column 12, Lines 24-38).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify display screen after a pause command has been issued, as taught by Inoue, Lortz and Armstrong, using the overlaid display timer, as taught by Banker, for the purpose of visually informing how much time is left before the program can be restarted (see Column 12, Lines 35-36 of Banker) so that the purchased movie can be completely viewed and the user is not improperly charged for the entire movie.

Referring to claim 104, see the rejection of claim 75.

Claims 72-73, 76, 79, 101-102, 105 and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (U.S. Patent No. 5,884,141) in view of Lortz (U.S. Patent No. 6,349,410) in further view of White et al. (U.S. Patent No. 6,392,664).

Referring to claim 72, Inoue discloses that the interactive media application is implemented on user television equipment (see Column 5, Lines 7-19 for a microprocessor 109 that controls the system in Figure 1, which inherently contains program code to perform such operations (i.e. the interactive media application)). However, Inoue, Lortz and Armstrong fail to disclose displaying an interactive overlay over the media that informs the user of options that are available.

White discloses displaying an interactive overlay (see navigation bar in Figure 5) over the media (see Column 4, Lines 41-43) that informs the user of options that are available (see Column 4, Lines 44-46).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the video display screen for displaying media and pause-time content, as taught by Inoue, Lortz and Armstrong, to include the control panel 74, as taught by White, for the purpose of providing a video entertainment system in which conventional television programming and novel interactive entertainment are presented in an integrated fashion (see Column 1, Lines 34-36 of White).

Claim 73 corresponds to claim 72, where White further teaches that the options that are available to the user are selected from the group consisting of rewind, pause, play and fast-forward (see again Column 4, Lines 44-46).

Referring to claim 76, Inoue discloses pausing a program and recording the program while being paused (see Column 6, Lines 22-30). Inoue also discloses displaying pause-time content, by continuing to display the program while it is being paused and recorded or displaying another program that is received and displayed (see Column 6, Lines 30-32 of Inoue). However, Inoue, Lortz and Armstrong fail to disclose that the user personalizes the programs that can be paused and displayed as pause-time content.

White discloses that the user has the ability to personalize the pause-time content (incoming video taught by Inoue) by compiling a profile based on the user's viewing habits (previous selections made by the user) at Column 9, Lines 46-65.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the programs available on specific channels, as taught by Inoue, Lortz and Armstrong, by determining preferred programming for viewing, as taught by White, for the purpose of suggesting popular programming that may be enjoyed by the user (see Column 9, Lines 48-49 and Lines 56-57 of White).

Referring to claim 79, see the rejection of claim 76, and note that if only certain programs are filtered out by the use of a user's viewing habits, then the user inherently has the ability to prevent particular types of pause-time content to be presented by the interactive media application, because only a redacted list is being presented to the user, which discards/prevents programming that is not of possible interest to the user.

Referring to claims 101-102, see the rejection of claims 72-73, respectively.

Referring to claims 105 and 108, see the rejection of claims 22 and 25, respectively.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

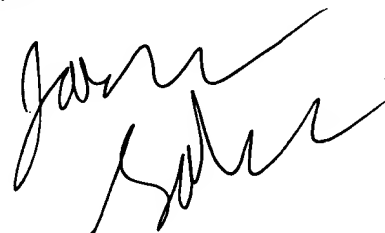
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

January 10, 2008

JASON SALCE
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Jason Salce', is written over the printed name and title.